

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BRIDGEPORT MUSIC, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	NO. 3:01-0703
	)	Jury Demand
SONGS OF ALL NATIONS, et al.,	)	Judge Campbell/Brown
	)	
Defendants.	)	

O R D E R

The plaintiffs filed a motion requesting the Court to supplement its order of January 15, 2002 (Docket Entry No. 61), by requiring the defendants to provide specific documents by specific dates (Docket Entry No. 67). The Court will take up the matter in the order presented in the motion.

Paragraph 2 requests the specific names and addresses of persons with knowledge. Such information shall be provided in each case to which this motion applies by **February 15, 2002**.

Paragraph 3 requests the defendants to identify the elements taken and/or copied not only from plaintiffs' property but also from others. The defendants shall respond to this interrogatory by **February 15, 2002**, as to any matters that are copied from the plaintiffs' alleged property. The Magistrate Judge understands the defendants argue much that is alleged to be infringing is not protected. Nevertheless, they should produce what has been copied from the plaintiffs, especially that which the plaintiffs have particularly identified. The Magistrate Judge

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Rule 58, and/or Rule 79(a),  
FRCP, on 3-1-02 by [signature]

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would note, however, that this request is complicated because the plaintiffs themselves have apparently failed to identify specifically which items they claim the defendants have taken in many cases. As the Magistrate Judge understands the process, the burden is on the plaintiffs to show what was infringed, and they should have that information available and disclosed. Unfortunately, both parties are playing the blame card and deluging the Court with reams upon reams of paper, which to paraphrase Shakespeare are full of sound and fury and which accomplish very little toward the resolution of this case. The Magistrate Judge does not believe that the defendants are required to state what elements they have taken from non-parties to this case. The issue is what, if anything, they have taken from the plaintiffs.

Paragraph 4 requests income information in the form of profit and loss statements. The plaintiffs, through the attached exhibit of Jane Peterer, complain that the defendants have in effect given them the "dump truck" treatment with many of these statements. They allege that the defendants, for example, have provided a statement concerning royalties that is 128 pages long, but which contained a great deal of information not relevant to any composition or sound recording at issue in the particular lawsuit in question. If the defendants wish to provide large quantities of records, the defendants are required to identify where in the records the relevant material is located. They should do so by **February 14, 2002**. The Magistrate Judge would note, however, that

Ms. Peterer's affidavit seems to be incredibly broad. For example, the plaintiffs request from the defendant publisher a list of any and every subsidiary and sub-publisher in the world, and any agreement by and between them with respect to each infringing composition and/or sound recording (Exh. B, p. 9).

Again, the Magistrate Judge urges/implores the parties to knock off such broad generalities and ask more limited and specific questions. Concerning the items demanded by the plaintiffs, the attorneys are **directed** to confer on this matter and advise the Court if they can resolve this issue before February 15, 2002. If they cannot, a hearing is set for **February 21, 2002, at 4:00 p.m.**, in courtroom 776, U.S. Courthouse, 801 Broadway, Nashville, TN.

**Before such hearing, the parties shall file a joint statement of matters in dispute as required by Local Rule 9(e)(1). Any future motion without this joint statement will be summarily denied.**

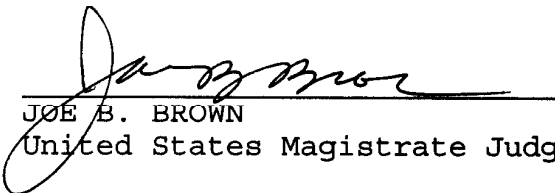
Paragraph 5 requests a large quantity of information going back six years. Both the Magistrate Judge (at Docket Entry No. 23) and the District Judge (at Docket Entry No. 51, Case No. 3:01-0698) have addressed arguments which dealt with the three-year statute of limitations and allowing the parties to go back six years. The parties are **directed** to those earlier orders and they should comply with them.

Paragraph 6 requests that the defendants provide the factual support for the affirmative defenses raised by the

Universal defendants in their answer to the first amended complaint. The response to this request for factual information concerning the bases for the affirmative defenses should also be provided by **February 14, 2002**. The defendants, in many of these cases, raised a large number of affirmative defenses. Under Rule 11, they must have had a good faith basis for those affirmative defenses at the time they filed them. If these defendants do not have factual bases for their affirmative defenses, they should withdraw them forthwith.

The Clerk is **directed** to post a copy of this Order on the court's webpage, [www.tnmd.uscourts.gov](http://www.tnmd.uscourts.gov) under Selected Opinions, Bridgeport Music, Inc. Cases, with the title Order Re: Deadline for Various Discovery Matters.

It is so **ORDERED**.

  
JOE B. BROWN  
United States Magistrate Judge